

**UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS,
EASTERN DIVISION**

JOYCE GRABIL,)	FILED: JUNE 1, 2009
)	09CV3305
Plaintiff,)	JUDGE GRADY
)	MAGISTRATE JUDGE MASON
v.)	AO
)	No.
WINDHAM PROFESSIONALS, INC.,)	
)	
Defendant.)	

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

JOYCE GRABIL (Plaintiff), through her attorneys, KROHN & MOSS, LTD., alleges the following against WINDHAM PROFESSIONALS, INC., (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
4. Defendant maintains an office and conducts business in the state of Illinois, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1391(b)(1)*.
6. Declaratory relief is available pursuant to *28 U.S.C. 2201 and 2202*.

PARTIES

7. Plaintiff is a natural person residing in Audubon, Iowa.
8. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
9. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
10. Defendant is a New Hampshire Corporation with an office in Bloomingdale, Dupage County, Illinois.
11. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

12. Defendant constantly and continuously places collection calls to Plaintiff.
13. Defendant calls Plaintiff at her home number of (712) 563-3560.
14. Defendant calls Plaintiff multiple times a week seeking to speak with Plaintiff's daughter.
15. Plaintiff has informed Defendant on numerous occasions that her daughter does not live with her and that Defendant is to stop calling Plaintiff.
16. Plaintiff has provided Defendant on numerous occasions with Plaintiff's daughter's contact information.
17. Despite this, Defendant continues to contact Plaintiff seeking to speak with her daughter.
18. Defendant's agent told Plaintiff to do the "motherly thing" and have her daughter contact the Defendant.

COUNT I DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

19. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct of which the natural result is the abuse and harassment of the Plaintiff.
- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.
- c. Defendant violated §1692e(10) of the FDCPA by using false representations and deceptive means in an attempt to collect a debt because Defendant continues to call Plaintiff despite being informed that the alleged debtor cannot be found at Plaintiff's home.

20. As a direct and proximate result of one or more or all of the statutory violations above Plaintiff has suffered emotional distress (see Exhibit A).

WHEREFORE, Plaintiff, JOYCE GRABIL, respectfully requests judgment be entered against Defendant, WINDHAM PROFESSIONALS, INC., for the following:

21. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act,
22. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
23. Actual damages,
24. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
25. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By: ___/s/Adam T. Hill_____

Adam T. Hill
Attorneys for Plaintiff
Krohn & Moss, Ltd.
120 W. Madison Street
10th Floor
Chicago, IL 60602

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, JOYCE GRABIL, demands a jury trial in this case.

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, JOYCE GRABIL, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

5/28/09
Date

Joyce Grabil
JOYCE GRABIL

EXHIBIT A

I have suffered from the following due to, or made worse by, the actions of the Defendant's debt collection activities:

1. Sleeplessness
2. Fear of answering the telephone
3. Nervousness
4. Fear of answering the door
5. Embarrassment when speaking with family or friends
6. Depressions (sad, anxious, or "empty" moods)
7. Chest pains
8. Feelings of hopelessness, pessimism
9. Feelings of guilt, worthlessness, helplessness
10. Appetite and/or weight loss or overeating and weight gain
11. Thoughts of death, suicide or suicide attempts
12. Restlessness or irritability
13. Headache, nausea, chronic pain or fatigue
14. Negative impact on my job
15. Negative impact on my relationships

YES	NO
YES	NO
YES	NO
YES	NO
YES	NO
YES	NO
YES	NO
YES	NO
YES	NO
YES	NO
YES	NO
YES	NO
YES	NO
YES	NO
YES	NO

Other physical or emotional symptoms you believe are associated with abusive debt collection activities: _____

Pursuant to 28 U.S.C. § 1746(2), I hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: 5/28/09

Joyce Grabill
Signed Name
Joyce Grabill
Printed Name